

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

LINDA ISELA MUNOZ,

Plaintiff,

v.

Civ. No. 20-245 GJF

ANDREW SAUL, *Commissioner of
Social Security Administration*,

Defendant.

ORDER DENYING MOTION TO PROCEED *IN FORMA PAUPERIS*

This matter is before the Court upon Plaintiff's "Motion for Order Granting Application to Proceed *in Forma Pauperis* and Directing Service" [ECF 2] ("Motion"). In this Motion, Plaintiff asserts that she is unable to prepay fees and costs in this case and asks to proceed without the advance payment thereof.

The Court concludes that the Motion should be denied. In making this determination, the Court notes that it has the discretion to "authorize the commencement . . . of any suit . . . without prepayment of fees or security therefore, by a person who submits an affidavit that includes a statement of all assets [the person] possesses [and] that the person is unable to pay such fees or give security therefore." 28 U.S.C. § 1915(a)(1). A review of Plaintiff's affidavit, however, reveals that, although Plaintiff has two children, she receives a total monthly income of \$1,966.34.¹ And Plaintiff, by her own estimates, spends significantly less than she receives, as her estimated monthly expenses are \$1,134. Although Plaintiff claims to have no cash, the Court finds that Plaintiff's financial situation places her outside the category of those whom the Court excuses from prepaying the \$400 filing fee.

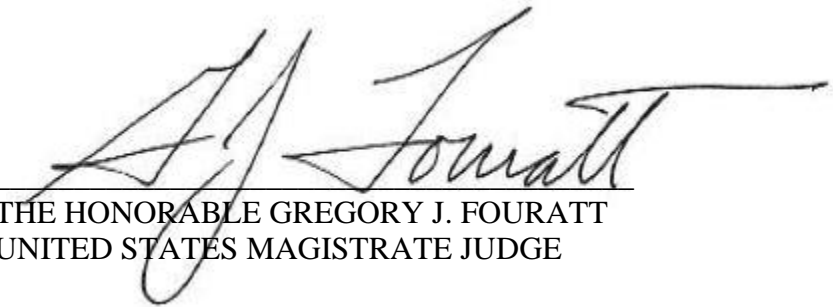
¹ Plaintiff receives monthly payment of \$1,459.34 in social security income benefits for her children, \$380 in child support, and \$127 in food stamps.

Consequently, this Court finds and concludes that Plaintiff has not established that she is unable to pay the required filing fee or that doing so will cause her substantial hardship.

IT IS THEREFORE ORDERED that Plaintiff's Motion is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff shall pay the Court's filing fee not later than April 17, 2020. Plaintiff is cautioned that failure to comply may result in dismissal of this case without prejudice.

SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE